

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x  
UNITED STATES OF AMERICA

:  
- v. -

ERIC FRANCISCO MENDOZA-ZUNIGA,  
a/k/a "Eric,"  
a/k/a "PERCEO,"  
Defendant.

SUPERSEDING INFORMATION

S1 12 Cr. 894

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: **AUG 29 2013**

- - - - - x  
COUNT ONE

The United States Attorney charges:

1. From at least in or about July 2012, up to and including in or about August 2012, in the Southern District of New York and elsewhere, ERIC FRANCISCO MENDOZA-ZUNIGA, a/k/a "Eric," a/k/a "PERCEO," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ERIC FRANCISCO MENDOZA-ZUNIGA, a/k/a "Eric," a/k/a "PERCEO," the defendant, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United

States Code, Section 841(b)(1)(A).

Overt Acts

4. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 26, 2012, ERIC FRANCISCO MENDOZA-ZUNIGA, a/k/a "Eric," a/k/a "PERCEO," the defendant, and another co-conspirator not named as a defendant herein ("CC-1"), met in or around San Pedro Sula, Honduras, with two confidential sources acting at the direction of law enforcement ("CS-1" and "CS-2") and discussed, among other things, the sale of cocaine in New York, New York.

b. On or about August 7, 2012, another co-conspirator not named as a defendant herein ("CC-2") met in New York, New York, with CS-1 and CS-2 and discussed, among other things, inspecting the cocaine before CS-1 and CS-2 paid for the drugs.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Count One of this Information, ERIC FRANCISCO MENDOZA-ZUNIGA, a/k/a "Eric," a/k/a "PERCEO," the defendant, shall forfeit to the United States pursuant to Title 21, United

States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violation alleged in Count One of this Information.

**Substitute Asset Provision**

6. If any of the forfeitable property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

*Preet M*  
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PREET BHARARA   
United States Attorney

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(21 U.S.C. § 846)

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PREET BHARARA  
United States Attorney.

A TRUE BILL

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Foreperson.

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